

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TARA L. MORRISON	:	CIVIL ACTION
<i>A/K/A TARA L. TIETZ, AS</i>	:	
<i>ADMINISTRATRIX OF THE ESTATE OF</i>	:	No. 13-1467
<i>WAYNE H. TIETZ, DECEASED, et al.</i>	:	
	:	
v.	:	
	:	
LINDSEY LAWN & GARDEN, INC.	:	
<i>D/B/A LINDSEY EQUIPMENT F/K/A</i>	:	
<i>SIEPPELLA EQUIPMENT AND/OR</i>	:	
<i>CHARLES H. SIEPPELLA, INC., et al.</i>	:	

**ORDER**

AND NOW, this 4th day of March, 2014, for the reasons set forth in the accompanying Memorandum, it is ORDERED Defendant Lindsey Lawn & Garden, Inc. d/b/a Lindsey Equipment's (Lindsey) Motion to Dismiss Plaintiff's Amended Complaint (Document 12) is GRANTED in part and DENIED in part without prejudice. The motion is GRANTED insofar as Plaintiff Tara L. Morrison seeks to hold Lindsey liable as the successor of Charles H. Siepiela, Inc. (CHS) based on an express or implicit agreement to assume CHS's liabilities. The motion is DENIED without prejudice insofar as Morrison seeks to hold Lindsey liable based on a de facto merger with CHS. Lindsey may renew its motion under the summary judgment standard following a brief period in which Morrison may take discovery on this issue. A case management order will be entered separately in this case.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, J.